S.B. Criminal Misc. Bail Application No.2651/2006

Date : 14.07.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Amitabh Acharya for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that charge-sheet has been filed in this case and no investigation is to be made from them. He submits that FIR would reveal that role assigned to accused applicants is that he inflicted an Axe blow on head of Teja Ram whereas on the person of Teja Ram, there is no injury of Axe attributed to the accused applicants. He also submits that in relation to injuries which were caused by blunt object, on X-ray report it was found that there is no fracture was caused by blunt object. He further submits that in this case regarding same incident,

cross FIR was lodged and in that case complainant-party has already been enlarged on bail. In last, he submits that no case under Section 307 IPC is made out, therefore, prays that the applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

After carefully examination of injury report and X-ray report and also taking into consideration the fact that there is cross case between the parties and no investigation is pending now, therefore, in the facts and circumstances of the case, I deem it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1)

Aldaram alias Andaram son of Bada and (2) Phoolaram son of Badaji shall be released on bail in FIR No.79/2006 P.S. Ahore, District Jalore, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.